

Application No. 10/629,806
Response dated September 2, 2004
Reply to Office Action of June 3, 2004

REMARKS

Claims 1-21 are pending in this application, of which claim 16 has been amended. No new claims have been added.

(1) Claim 16 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Office Action, section 2.

In this Response, claim 16 has been amended, which is drawn to a resist pattern and whose basis is found at page 27, lines 8-17.

(2) Claims 1-11 and 14-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Nozaki et al (US 2003/0102285 A1). Office Action, section 4.

The reference of Nozaki et al. should be disqualified by the declaration which is filed herewith. The declaration shows that the invention disclosed in the reference, 2003/0102285, was conceived or invented by the Applicants of the present invention, and is thus not the invention "by another." Reconsideration of the rejection is respectfully requested.

(3) Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nozaki et al

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(US 2003/0102285 A1). Office Action, section 6.

The present application (United States Patent Application Serial No. 10/629,806) and United States Patent Application Publication No. 2003/0102285 were, at the time the invention of Application Serial No. 10/629,806 was made, owed by Fujitsu Limited.

Therefore, the reference of Nozaki et al. should be disqualified from rejecting claim 12 under 35USC103(c). Reconsideration of the rejection is respectfully requested.

(4) Claims 1-9 and 14-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kozawa et al (EP 1 315 043 A1). Office Action, section 7.

Applicants herewith file a verified English translation of the priority application, JP2002-240082, filed on August 21, 2002, which antedates the publication date of Kozawa et al., May 28, 2003. Thus, the reference of Kozawa et al. should be disqualified from rejecting the claims. Reconsideration of the rejection is respectfully requested.

(5) Claims 1-9 and 14-21 were provisionally rejected under 35 U.S.C. §103(a) as being obvious over copending Application No. 10/305,258 which has four common inventors with the instant application. Office Action, section 8.

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Applicants herewith file a verified English language translation of the priority document, JP2002-240082, filed on August 21, 2002, which antedates the publication date of copending Application No. 10/305,258. Reconsideration of the rejection is respectfully requested.

(6) Claims 1-9 and 14-21 were provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 7, 13, 17-22, 27 28 and 34-36 of copending Application No. 10/305,258.

Applicants herewith file a terminal disclaimer with respect to Application No. 10/305,258. Reconsideration of the rejection is respectfully requested.

(7) In view of the above, claims 1-21, as herein amended, are in condition for allowance. Applicants request such action at an early date.

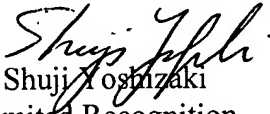
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Limited Recognition
Verified English Language Translation
Declaration under 37CFR§1.132
Terminal Disclaimer

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